OFFENCES CANON 1962

Canon 4, 1962 as amended by
Canon 7, 1981
Canon 12, 1992
Canon 20, 1998
Canon 5, 2007
Canon 7, 2017
Canon 11, 2022
Canon 7, 2026
Canon 8, 2026

A canon to specify offences under sections 54, 55 & 56 of the Constitution.

The General Synod prescribes as follows:

1.[1] A diocesan tribunal and a provincial tribunal in its original jurisdiction in addition to their respective powers under section 54(2) and section 55(3) of the Constitution may hear and determine charges made in respect of the following offences alleged to have been committed by a person who, at the time the charge is preferred, is authorised to function by the Diocesan bishop or is in holy orders resident in the diocese:

1. Unchastity.

2. Drunkenness.

3.[2] Habitual and wilful neglect of ministerial duty after written admonition in respect thereof by the Diocesan bishop.

4. Wilful failure to pay just debts.

5.[3] Conduct, whenever occurring, which would be disgraceful if committed by any member of the clergy.

6. Any other offence prescribed by an ordinance of the synod of the diocese.

7.[4] Child abuse.

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1 Amended by Canon 7, 1981; Canon 20, 1998; Canon 11, 2022; Canon 7, 2026.
2 Amended by Canon 7, 2026.
3 Amended by Canon 7, 2026.
4 Added by Canon 7, 2017.
5 Item 8 omitted by Canon 7, 2026.

9.[6] Authorising to function a member of the clergy or permitting to function a church worker contrary to, or in the absence of, a recommendation of a screening authority, or with actual knowledge or reasonable grounds for suspecting that the screening authority may not have properly discharged its statutory functions in making its relevant recommendation.

2.[7] The Special Tribunal in addition to its powers under section 56(6) of the constitution may hear and determine charges against a current Bishop made in respect of the following offences:

1. Unchastity.

2. Drunkenness.

3. Wilful failure to pay just debts.

4.[8] Conduct, whenever occurring, which would be disgraceful if committed by any person in episcopal orders.

4A.[9] Conduct occurring at any time since the commencement of this canon that is within the meaning of "examinable conduct" as defined in, and as the words and expressions used in that definition were defined in, the Episcopal Standards (Child Protection) Canon 2017 as enacted by the 17th General Synod and amended by Canon 11, 2022.

5. Wilful violation of the constitution or of the canons made thereunder or of the ordinances of provincial synod or of his diocesan synod.

6.[10] Any conduct involving wilful and habitual disregard of their consecration vows.

7.[11] Child abuse.

7A.[12] In relation to a disciplinary or professional standards process where there is a charge or an allegation of child abuse—

(i) impeding or undermining that process;

(ii) failing without reasonable excuse to perform a duty or a function under that process; or

(iii) failing without reasonable excuse to exercise a power to initiate, or to investigate whether to initiate, that process.

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6 Added by Canon 11, 2022.
7 Amended by Canon 7, 1981; sub-section (2) repealed by Canon 12, 1992, amended by Canon 20, 1998; further amended by Canon 5, 2007, amended by Canon 7, 2017, amended by Canon 7, 2026.
8 Amended by Canon 7, 2026.
9 Added by Canon 8, 2026.
10 Amended by Canon 7, 2026.
11 Added by Canon 7, 2017.
12 Added by Canon 7, 2026.
13 Item 8 omitted by Canon 7, 2026.

9.[14] Failure to comply with the direction of a Board.

10.[15] Subject to section 60(2) of the Constitution, failure without reasonable excuse to give effect to a recommendation given to the person under or for the purposes of section 60(1) of the Constitution.

10A.[16] Failure without reasonable excuse to give effect to a recommendation given to the person by a Board.

11.[17] Ordaining or authorising to function a member of the clergy or permitting to function a church worker contrary to, or in the absence of, a recommendation of a screening authority, or with actual knowledge or reasonable grounds for suspecting that the screening authority may not have properly discharged its statutory functions in making its relevant recommendation.

12.[18] Ordaining or authorising to function a member of the clergy, or permitting to function a church worker, who poses a serious risk to the safety of children with actual knowledge or reasonable grounds for suspecting that the person poses that risk.

2A.[19] The Special Tribunal may hear and determine charges against any person referred to in paragraph (c) of section 56(6) of the Constitution made in respect of the following offences committed while a current Bishop:

1. Wilful violation of the constitution or of the canons made thereunder or of the ordinances of provincial synod or of the bishop's diocesan synod relating to child abuse.

2. Child abuse.

2A.[20] Conduct occurring at any time since the commencement of this canon that is within the meaning of "examinable conduct" as defined in, and as the words and expressions used in that definition were defined in, the Episcopal Standards (Child Protection) Canon 2017 as enacted by the 17th General Synod and amended by Canon 11, 2022.

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5.[22] Subject to section 60(2) of the Constitution, failure without reasonable excuse to give effect to a recommendation given to the person under or for the purposes of section 60(1) of the Constitution.

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14 Added by Canon 7, 2017; Amended by Canon 7, 2026.
15 Added by Canon 11, 2022; Amended by Canon 7, 2026.
16 Added by Canon 7, 2026.
17 Added by Canon 11, 2022.
18 Added by Canon 11, 2022.
19 Added by Canon 7, 2017; Amended by Canon 7, 2026.
20 Added by Canon 8, 2026.
21 Items 3 and 4 omitted by Canon 7, 2026.
22 Added by Canon 11, 2022; Amended by Canon 7, 2026.

5A.[23] Failure without reasonable excuse to give effect to a recommendation given to the person by a Board.

6.[24] Ordaining or authorising to function a member of the clergy or permitting to function a church worker contrary to, or in the absence of, a recommendation of a screening authority, or with actual knowledge or reasonable grounds for suspecting that the screening authority may not have properly discharged its statutory functions in making its relevant recommendation.

7.[25] Ordaining or authorising to function a member of the clergy, or permitting to function a church worker, who poses a serious risk to the safety of children with actual knowledge or reasonable grounds for suspecting that the person poses that risk.

2B.[26] In this canon, unless the context otherwise requires—

actual knowledge[27] includes-

(a) wilfully shutting one's eyes to the obvious; or

(b) wilfully and recklessly failing to make such inquiries as an honest and reasonable person would make;

authorisation to function[28] means a licence or any written instrument by which a member of the clergy is appointed, authorised, permitted or sanctioned to exercise ministry as a member of the clergy and **authorising to function** and **authorised to function** have a corresponding meaning;

Bishop[29] means a bishop referred to in section 56(6) of the Constitution;

Board[30] means a body established by or under a Canon or by or under an ordinance of a provincial synod or diocesan synod for dealing with the fitness of a Bishop or other member of the clergy or a church worker to be or to remain in office, in Holy Orders or in some other ministry;

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child abuse[32] means:

(a) conduct constituting:

(i) bullying a child; or

(ii) emotional abuse of a child; or

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23 Added by Canon 7, 2026.
24 Added by Canon 11, 2022.
25 Added by Canon 11, 2022.
26 Added by Canon 7, 2017; Amended by Canon 7, 2026.
27 Added by Canon 11, 2022.
28 Added by Canon 11, 2022.
29 Added by Canon 7, 2026.
30 Added by Canon 7, 2026.
31 Definition of Child Added by Canon 11, 2022; Omitted by Canon 7, 2026.
32 Added by Canon 7, 2026.

(iii) neglect of a child; or

(iv) physical abuse of a child; or

(v) sexual assault, sexual exploitation, sexual harassment or grooming of a child, or sexually inappropriate behaviour towards a child;

(vi) spiritual abuse of a child; or

(vii) image-based abuse;

(viii) causing a child to witness, hear or otherwise be exposed to domestic and family violence;

(ix) a failure without reasonable excuse to comply with the laws of the Commonwealth, a State or Territory or against the law of another country which is equivalent to a criminal offence against the law of the Commonwealth, a State or a Territory, requiring the reporting of child abuse to the police or other authority; or

(x) a failure without reasonable excuse to report conduct referred to in this definition as required by a Canon of the General Synod or of an ordinance of a provincial synod or a diocesan synod;

(b) possessing, producing or distributing material (including any film, printed matter, electronic data, computer image or other depiction) that describes or depicts a person who is or who appears to be a child—

(i) engaged in sexual activity; or

(ii) in a sexual context; or

(iii) as the subject of torture, cruelty or abuse (whether or not in a sexual context) in a way that a reasonable person would regard as being, in all the circumstances, offensive—

in circumstances that have been found to constitute, or may constitute, a criminal offence.

church worker[33] means a person who is not a member of the clergy and who—

(a) is permitted to function by the Diocesan bishop;

(b) is employed by a Church body; or

(c) whether for payment or not, holds a position or performs a function with the actual or apparent authority of a Church authority or a Church body.

current Bishop[34] includes—

(a) a member of the House of Bishops; and

(b) a bishop assistant to the Primate in their capacity as Primate;

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33 Added by Canon 11, 2022; Amended by Canon 7, 2026.

34 Added by Canon 7, 2026.

member of the clergy[35] means a person who is a bishop, priest or deacon in the Church.

permission to function[36] means a licence or any written instrument by which a person who is not a member of the clergy is appointed, authorised, permitted or sanctioned to exercise ministry and **permitting to function** and **permitted to function** have a corresponding meaning;

recommendation[37] includes a recommendation validly varied or modified pursuant to a diocesan ordinance;

standard of screening[38] means—

(a) in a diocese in which the Safe Ministry to Children Canon 2017 is in force, a standard of screening applying under Part 3 of that Canon; or

(b) in a diocese in which the Safe Ministry to Children Canon 2017 is not in force, the standard of screening applying in that diocese.

3. This canon may be cited as the "Offences Canon 1962".

4.[39] The offences added to this canon by the Offences Amendment Canon 2017 apply to conduct committed after the date the Offences Amendment Canon 2017 was passed by the General Synod.

5.[40] The offences in Item 9 of section 1, Items 10, 11 and 12 of section 2 and Items 5, 6 and 7 of section 2A apply only to conduct occurring after Part 4 of the Safe Ministry Legislation Amendments Canon 2022 has been adopted in the diocese in which the offences allegedly have occurred.

6.[41] Since this canon first commenced a sexual offence relating to a child has always been disgraceful for the purposes of Item 5 in section 1 and Item 4 in section 2.

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35 Added by Canon 11, 2022.
36 Added by Canon 11, 2022.
37 Added by Canon 11, 2022.
38 Added by Canon 11, 2022.
39 Added by Canon 7, 2017.
40 Added by Canon 11, 2022.
41 Added by Canon 8, 2026.